

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

DAMON ZEIGLER,)	
)	
Petitioner,)	
)	
v.)	CIVIL ACTION NO. 5:12-CV-480 (MTT)
)	
DARRELL HART, WARDEN,)	
)	
Respondent.)	
)	

ORDER

This matter is before the Court on the Recommendation (Doc. 19) of United States Magistrate Judge Stephen Hyles on the Respondent's motion to dismiss the Petitioner's petition for habeas relief as untimely (Doc. 9). The Magistrate Judge recommends denying the Respondent's motion because the Petitioner timely filed his application for federal habeas relief. The Magistrate Judge also recommends granting the Respondent's request for an additional 30 days to respond to the merits of the Petitioner's application for habeas relief and motion for summary judgment. Neither party has filed an objection to the Recommendation.

The Court has reviewed the Recommendation, and the Court accepts and adopts the findings, conclusions and recommendations of the Magistrate Judge. The Recommendation is adopted and made the order of this Court, and the Respondent's motion to dismiss is **DENIED**. Further, pursuant to the Magistrate Judge's Recommendation, the Respondent's request for an additional 30 days to respond to the merits of the Petitioner's application for habeas relief and motion for summary judgment is **GRANTED**.

SO ORDERED, this the 30th day of September, 2013.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT